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OFFICE OF PETITIONS

In re Patent No. 6,849,307 :
Issued: February 1, 2005 : DECISION ON PETITION
Application No. 10/767,103 :
Filed: January 28, 2004 :
Dkt. No.: 750034.427C3 :

This is a decision on the "PETITION TO ACCEPT UNINTENTIONAL DELAY OF PRIORITY CLAIM UNDER 37 CFR 1.55," filed November 10, 2004.

The instant application matured into U.S. Pat. No. 6,849,307 on February 1, 2005. A request for certificate of correction (and the required \$100.00 fee) was filed July 26, 2005.

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date;
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Director may require additional information where there is a question whether the delay was unintentional); and

- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

Provided the provisions of 37 CFR 1.55(c) are met, a certificate of correction under 35 U.S.C. 255 and 37 CFR 1.323 may be requested and issued in order to perfect a claim for foreign priority benefit in a patented continuing application if the requirements of 35 U.S.C. 119(a)-(d) or (f) had been satisfied in the parent application prior to issuance of the patent and the requirements of 37 CFR 1.55(a) are met.

The instant application has been reviewed and found in compliance with the provisions of 37 CFR 1.55(c). Accordingly the petition under 37 CFR 1.55(c) is hereby GRANTED.

Accordingly, this application is being forwarded to the Certificate of Corrections Branch for action on the request submitted July 26, 2005.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.



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For Patent Examination Policy